

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re IBM Subpoena in the matter of )  
INTERNATIONAL BUSINESS )  
MACHINES CORPORATION, )  
Plaintiff, )  
v. )  
PLATFORM SOLUTIONS, INC., )  
Defendant. )

Case No.: C 07-80174 RMW (PVT)

**ORDER RE REQUESTS TO FILE  
DOCUMENTS UNDER SEAL**

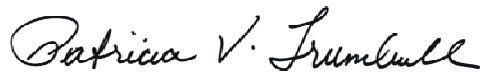
On October 3, 2007, Plaintiff, International Business Machines Corporation (“IBM”) submitted an *ex parte* request to file under seal portions of its Opposition to Hewlett-Packard’s Motion to Modify Subpoena and for a Protective Order. IBM based the sealing request Hewlett-Packard’s designation for the documents as confidential.

IT IS HEREBY ORDERED that the above-referenced documents shall be filed under seal at this time. However, such documents will be subject to a subsequent order unsealing such documents or an order to re-file a redacted public version of those documents found by the court not to be confidential, in the event the party claiming confidentiality does not make a sufficient factual showing that sealing is warranted under Rule 26(c) of the Federal Rules of Civil Procedure.

1 IT IS FURTHER ORDERED that no later than October 16, 2007, any party claiming that  
2 any information contained in the above-referenced documents warrants sealing under Federal  
3 Rules of Civil Procedure 26(c), shall serve and file declaration(s) from competent witnesses  
4 setting forth the specific facts that justify sealing. The factual showing must address separately  
5 each portion of the materials that the party contends warrants protection. *See* CIVIL L.R. 79-5,  
6 and commentary thereto. And counsel should keep in mind that “Broad allegations of harm,  
7 however, unsubstantiated by specific examples or articulated reasoning, do not satisfy the Rule  
8 26(c) test.” *Beckman Indus., Inc. v. International Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992).

9 IT IS SO ORDERED.

10 Dated: October 9, 2007



PATRICIA V. TRUMBULL  
United States Magistrate Judge